

SENATE BILL 2016

By Bell

AN ACT to amend Tennessee Code Annotated, Title 9;
Title 29 and Title 37, relative to civil liability of
certain entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 8, Part 3, is amended by
adding the following as a new section:

(a) Notwithstanding any provision of this chapter to the contrary, non-governmental independent contractors or other persons or entities that contract with or enter into any agreements with the department of children's services for the provision of foster care services to children in the department's custody shall be granted limited tort exposure under this chapter. This grant of limited tort exposure shall be provided only when the non-governmental independent contractors or other persons or entities are providing by contract or agreement foster care services to children in the department's custody.

(b) In performing or providing such foster care services, the non-governmental independent contractors or other persons or entities are deemed to be the functional equivalent of the department of children's services. The non-governmental independent contractors or other persons or entities are performing or providing these foster care services in the stead of the department of children's services and by such are fulfilling a public purpose that is authorized to be performed by the department of children's services. The department's contracting party for the provision of foster care services will not be afforded any limits to its tort exposure for gross negligence in the performance of the contract or agreement.

(c) In performing or providing such foster care services, the limits of tort exposure for the department of children's services contracting party or party to the agreement shall be the same as the limits set for the department of children's services in § 9-8-307.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to actions arising on or after that date.